

1 ARZHANG BOLOORIAN, SBN 188140
2 Appearing Pro Per
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3 New York, New York 10003
Telephone: 415-595-0219

FILED *[Signature]*

JUL 19 2010

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

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STATE BAR COURT

7 STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

HEARING DEPARTMENT - SAN FRANCISCO

8 In the Matter of:

9
10 ARZHANG BOLOORIAN
11 NO. 188140,

12 A Member of the State Bar
13 _____

) Case No. 08-0-12491

) RESPNDENT, ARZHANG
) BOLOORIAN'S VERIFIED
) RESPONSE TO THE STATE
) BAR'S NOTICE OF
) DISCIPLINARY CHARGES

14
15 Respondent, ARZHANG BOLOORIAN ("Respondent") answers the allegations of the
16 State Bar as follows:

- 17 1. Respondent admits that he was admitted to the practice of law in California on June
18 5, 1997, and that he was an active member of the Bar at all times alleged in the
19 Notice of Disciplinary Charges ("NDC").
20

21 **COUNT ONE**

- 22 2. Respondent denies that he willfully violated Business and Professions Code Section
23 6068(a) and that he failed to support the Constitution and laws of the United States
24 and of this state by advertising or holding himself out as practicing or entitled to
25 practice law or otherwise practicing law when he was not an active member of the
26 State Bar in violation of Business and Professions Code sections 6125 and 6126 as
27 alleged in paragraph 2.
28

3. Respondent admits the allegations of paragraphs 3-7.



- 1 4 . Respondent denies the allegations of paragraph 8.
- 2 5 . Respondent admits the allegations of paragraphs 9-10.
- 3 6 . Respondent denies the allegations of paragraph 11.
- 4 7 . Respondent admits the allegations of paragraphs 12-17. Respondent did not know
- 5 he was ineligible to practice law at the time of the events stated in paragraphs 12-17.
- 6 8 . Respondent denies the allegations of paragraph 18.

7

8 **COUNT TWO**

- 9 9 . Respondent denies the allegations of paragraph 19.
- 10 10 . Respondent admits the allegations of paragraphs 12-17 incorporated b y reference in
- 11 paragraph 20. Respondent did not know he was ineligible to practice law at the time
- 12 of the events stated in paragraphs 12-17.
- 13 11 . Respondent admits the allegations of paragraph 21.
- 14 12 . Respondent admits the allegations of paragraph 22, and incorporates his response in
- 15 paragraph 7 above.
- 16 13 . Respondent denies the allegations of paragraph 23.

17

18 **COUNT THREE**

- 19 14 . Respondent denies the allegations in paragraph 24.
- 20 15 . Respondent admits the allegations in paragraph 25 and incorporates his response in
- 21 paragraph 7 above. Respondent did not know he was ineligible to practice law at the
- 22 time of the events in paragraphs 12-17.
- 23 16 . Respondent admits the allegations in paragraph 26 that he and Mackey agreed that
- 24 respondent would provide additional information to the DMV regarding the Pitchess
- 25 motion. Respondent admits that Mackey requested that Respondent provide this
- 26 information to the DMV because he believed it would assist in his efforts to retain
- 27 his driver's license. Respondent further admits that he was to provide the
- 28

1 information only if he won on the motion, and he was not successful on that motion.
2 Therefore, the submission of the ruling to the DMV would have been detrimental to
3 the case.

4 17 . Respondent does not have enough information to admit or deny the allegations in
5 paragraphs 27-42. Respondent did not attend one or two of the hearings because the
6 responding party to the Pitchess Motion was a private firm who required additional
7 time to investigate, prepare, and file the reply and to set a date for a hearing.
8 Furthermore, in order to expedite this matter the parties agreed to argue the Pitchess
9 Motion and the Motion to Suppress on the same day. Therefore, further
10 continuances were requested by the parties and granted by the Court.
11

12 18 . Respondent denies the allegations in paragraph 43.

13 **COUNT FOUR**

14 19 . Respondent denies the allegations in paragraph 44.

15 20 . Respondent responds to paragraph 45 by incorporating his responses in paragraphs
16 7, 14-18 above.

17 21 . Respondent does not have enough information to admit or deny the allegations of
18 paragraphs 46-49.

19 **COUNT FIVE**

20 22 . Respondent denies the allegations in paragraph 50.

21 23 . Respondent responds to paragraph 51 by incorporating his responses in paragraphs
22 7, 14-18 above.

23 24 . Respondent does not have enough information to admit or deny allegations in
24 paragraphs 52-54.

25 25 . Respondent denies the allegations of paragraph 55.
26
27
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COUNT SIX

26 . Respondent denies the allegations in paragraph 56.

27 . Respondent responds to paragraph 57 by incorporating his responses in paragraphs 7, 14-18 above.

28 . Respondent does not have enough information to admit or deny the allegations of paragraph 58.

29 . Respondent denies the allegations of paragraph 59 that he performed minimal services of value to Mackey since he failed to make several court appearances for Mackey, failed to provide documentation to the DMV in support of Mackey's case, required Mackey to employ new counsel at additional expense to complete his matter. Respondent does not have enough information to admit or deny when he ceased performing services.

30 . Respondent denies the allegations in paragraph 60.

31 . Respondent admits the allegations in paragraph 61 in that he did not provide a refund to Mr. Mackey. Respondent further admits that to the best of his knowledge and information he was not legally obligated to refund any monies to Mr. Mackey and does not recall Mr. Mackey asking for a refund.

32 . Respondent admits that the allegations in paragraph 62 that he did not provide a refund to Mr. Mackey. Respondent denies that any of the fees paid by Mr. Mackey were not earned.

COUNT SEVEN

33 . Respondent denies the allegations in paragraph 63.

34 . Respondent in response to the allegations in paragraph 64 incorporates his responses in paragraphs 2-30 above.

35 . Respondent does not have enough information to admit or deny the allegations of paragraph 65.

1 36 . Respondent does not have enough information to admit or deny the allegations of
2 paragraph 66 except that he never received any letter from the Bar.

3 37 . Respondent admits the allegations of paragraph 67.

4 38 . Respondent denies the allegations of paragraph 68.

5 **AFFIRMATIVE DEFENSES**

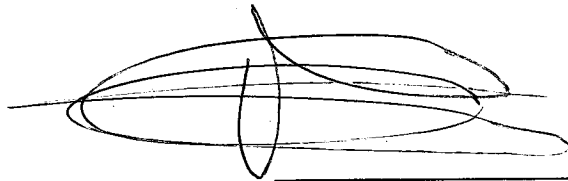
6 **Failure to State Facts**

7 AS AND FOR A FIRST, SEPARATE, DISTINCT AND AFFIRMATIVE DEFENSE,
8 to the NDC on file herein, and to each cause of action thereof, this answering Respondent alleges
9 that the NDC does not state facts sufficient to constitute a cause of action against this
10 Respondent upon which discipline may be imposed.

11 **No Moral Turpitude**

12 AS AND FOR A SECOND, SEPARATE, DISTINCT AND AFFIRMATIVE
13 DEFENSE, none of the allegations in the NDC involve circumstances involving moral turpitude.
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15
16 Dated: 5/31/2010



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19 Arzhang Bolorian, in pro per
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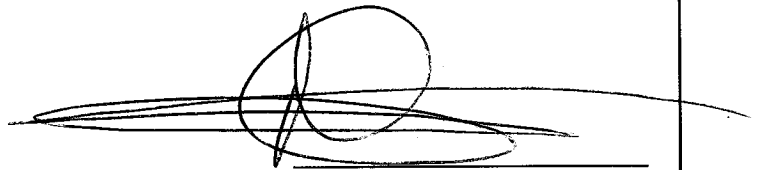
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VERIFICATION

I AM THE RESPONDENT IN THIS ACTION. I HAVE READ THE FOREGOING
RESPONSE TO THE STATE BAR'S NOTICE OF DISCIPLINARY CHARGES. THE
MATTERS STATED IN THE RESPONSE ARE TRUE TO MY OWN KNOWLEDGE
EXCEPT THOSE MATTERS STATED ON INFORMATION AND BELIEF, AND AS
TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
OF CALIFORNIA AND NEW YORK THAT THE FOREGOING IS TRUE AND
CORRECT.

Dated: 5/31/24


Arzhang Bolorian

1 ARZHANG BOLOORIAN (SBN 188140)

2 Appearing Pro Per

3 235 2nd Avenue, Apt. 1N

4 New York, NY 10003

5 Telephone No. : 415-595-0219

6 **STATE BAR COURT**

7 **HEARING DEPARTMENT – SAN FRANCISCO**

8 In the Matter of:

9 ARZHANG BOLOORIAN
10 NO. 188140,

11 A Member of the State Bar

) Case No. 08-0-12491

) **DECLARATION OF**
) **ARZHANG BOLOORIAN IN**
) **SUPPORT OF MOTION TO**
) **SET ASIDE ORDER OF**
) **ENTRY OF DEFAULT**

13
14
15 I, ARZHANG BOLOORIAN, declare under penalty of perjury under the laws of the
16 State of California, that:

17 1. On or about April 2008, I relocated from San Francisco to New York, New York
18 to assist my uncle in expanding his clothing import and distribution business.

19 2. I have been residing in New York from April 2008 to the present with the
20 exception of the early part of 2009.

21 3. My mother and sister who are Menlo Park and San Francisco residents
22 respectively were under instructions to forward all mail received at my listed address of 144
23 Downey Street, SF, CA 94117 to me in New York. To the best of my knowledge I was
24 forwarded or made aware of all important mail by one or both of them.
25

1 4. I certainly had no reason to expect I would be receiving any correspondences or
2 documents from the State Bar aside from the routine annual application for bar dues which were
3 forwarded me by my family in 2009 and most recently in 2010 by the tenants who currently
4 occupy the premises.

5 5. This is the first time since I began practice in 1997 that I have had any complaints
6 against me and was not aware of the complaint and investigation prior to relocating to New
7 York. Therefore, I had no reason to believe that there was a complaint forthcoming and to
8 instruct my family to specifically look for any such documents.

9 6. At no time did I personally receive or was forwarded by another party any letters,
10 correspondences, or legal documents in connection to Mr. Mackey's complaint, the State Bar
11 investigation, or the Notice of Disciplinary Charges brought by the State Bar.

12 7. On or about May 20, 2010, I met with an employment agency to procure
13 temporary or contract legal work as the import industry is in a downturn and stagnant given the
14 current state of the economy. On that day the employment agency notified me of my inactive
15 status. I was shocked and surprised to learn that I had been made inactive especially in light of
16 the fact that approximately 10 days prior I checked to make sure I was current with my
17 California bar membership before seeking temporary legal employment in New York.

18 8. On or about May 20, 2010, I spoke with Meena Ruiz of the State Bar and was
19 made of aware of the charges and the Default Judgment. She informed me that Treva Stewart is
20 the prosecuting attorney in charge of the case.

21 9. On or about May 20, 2010, I discussed the details of this matter with Treva
22 Stewart to ascertain how this case could be resolved in the most expeditious manner and was told
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24
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1 that I needed to file before we could proceed with settlement discussions. Ms. Stewart further
2 stated that upon a showing of good cause she would not dispute a motion to vacate judgment.

3 10. I certainly would have responded to and complied with any all and requests by the
4 State Bar to the best of my abilities. I take my membership with the State Bar with the utmost
5 seriousness and respect.

6 11. I am aware that I have been placed on inactive status previously.

7 12. I was on inactive status from 9/4/2002 to 1/30/2003 because I changed law firms
8 and the law firm from which I was moving failed to pay my bar dues and failed to forward the
9 application to my new employer. My new employer immediately rectified this oversight.

10 13. The inactive status from 8/16/2007 to 9/18/2007 was because I was late in
11 completing my MCLE requirements as I did not realize the deadline had passed. I took
12 immediate steps to rectify this matter as soon as I became aware of it. I was made active within
13 days of becoming aware of the situation.

14 14. At no time did I intentionally practice without a license. At all times from
15 8/16/2207 to 9/18/2007, I operated under the belief that I was an active member of the bar. I
16 would not have performed any legal work of any kind had I known I was on inactive status.

17 15. The inactive status from 7/1/2008 to 11/4/2008 was simply because I had recently
18 relocated to New York and was not practicing law. As a result, there was some delay on my part
19 in the payment of dues.

20 16. I understand that I was remiss in not updating my address with the State Bar and I
21 apologize for this mistake. This is a lesson learned and will not be repeated.

17. My State Bar Member Profile has been updated to reflect my current New York address.

Executed this 31 day of May, 2010 in New York, New York.

ARZHANG BOLOORIAN